IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 726(S/S)2007

Bachi Ram S/o Sri Mani Ram,
R/o village Mundoli (Kankhora),
P.O. Mundoli, District Chamoli, ---- Petitioner.

Vs.

1. Addl. District Education Officer (Basic),
   Chamoli, district Chamoli,
2. Basic Shiksha Adkikari, Chamoli, Distt. Chamoli,
3. Divisional (Khand) Education Officer Dewal,
   District Chamoli,
4. Sudha Arya R/o Village Mundoli (Kankhora),
   P.O. Mundoli, District Chamoli. ----Respondents.

Sri S.S. Yadav, learned Counsel for the petitioner and
Sri Ashish Joshi, learned State Counsel for State of Uttarakhand/respondent nos. 1 to 3.
None for respondent no.4.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned Counsel for the petitioner and Sri Ashish Joshi, learned State Counsel for State of Uttarakhand/respondent nos. 1 to 3. None for respondent no.4.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i Issue a writ, order or direction in the nature of mandamus commanding and direction th erspondents to appoint the petitioner as Shiksha Mitara in village Mundoli (Kankhora) Gram Sabha Mundoli, or in alternate the petitioner may be give appointment as Shiksha Mitara in village Dhuradhar Kot, Gram Sabha Suya Vikas Khand Deval,

ii Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case,

iii Award cost of the petition in favour of the petitioner.

Submission of the learned counsel for the petitioner is that he is a permanent resident of village Mundoli (Kankhora) P.O. Mundoli, district Chamoli. A post of Shiksha Mitara was vacant in the said Gram Panchayat, which was reserved for male candidates only, however a female candidate, namely, Sudha Arya i.e. respondent no. 4, has been appointed as Shiksha Mitara by the respondents and she is still continuing on that post. Aggrieved with the appointment of respondent no. 4, the petitioner has already moved a representation before Khand Shiksha Adhikari, Deval, district Chamoli on 23rd May 2007, which is still pending before the Khand Shiksha Adhikari, Dewal.

During the course of arguments, learned counsel for the petitioner has submitted that the Khand Shiksha Adhikari, Deval district Chamoli may be directed to take decision on the representation of the petitioner dated 23rd May 2007 within a particular period prescribed by this Court.

The prayer is innocuous.

Consequently, I direct the Khand Shiksha Adhikari, Deval, district Chamoli to take decision on the representation of the petitioner dated 23rd May 2007 annexed as annexure no. 7 to the writ petition, by a speaking order, within a period of four weeks from the date of production of a certified copy of this order. While taking decision, the Khand Shiksha Adhikari shall

afford opportunity of hearing to the petitioner, to respondent no. 4 as well as to the Gram Shiksha Samiti.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 27, 2007:
NCM: